

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/853,126	LEMLEY, BRAD	
	Examiner	Art Unit	
	Willie J. Daniel, Jr.	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/07/2006.
2. ☒ The allowed claim(s) is/are 1-4,6-9 and 11-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on 07 December 2006. **Claims 1-4, 6-9, and 11-24** are now pending in the present application and **claims 5 and 10** are canceled.

### ***Drawings***

2. The objections applied to the drawings are withdrawn, as the proposed drawing corrections are approved.

### ***Claim Rejections - 35 USC § 112***

3. The 112 rejections applied to the claims are withdrawn, as the proposed claim corrections are approved.

***Allowable Subject Matter***

4. Claims 1-4, 6-9, and 11-24 are allowed.

***Reasons For Allowance***

5. The following is an examiner's statement of reasons for allowance:

**Claims 1-4, 6-9, and 11-24** are allowed in view of applicant's amendment and accompanying remarks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Morgenthaler (US 6,310,609 B1) discloses "User Interface With Guide Lights".
- b. Östergård et al. (US 6,704,004 B1) discloses "Arrangement for Integration of Key Illumination into Keypad of Portable Electronic Devices".
- c. Ogata et al. (US 6,402,616) discloses "Entertainment System, Supply Medium, and Manual Control Input Device".
- d. Schaupp, Jr. et al. (US 5,594,778) discloses "Radio Telephone Operating Technique".
- e. Nakano et al. (US 5,901,366) discloses "Program Selection Method and Apparatus Using Cordless Telephone Set".
- f. Shiau et al. (US 6,766,179 B1) discloses "Cross-Shape Layout of Chinese Stroke Labels With Lyric".
- g. Susumu et al. (JP 2000-032110) discloses "Telephone Set".
- h. Tsook (WO 01/71746 A1) discloses "Alphanumeric Keypad".
- i. Shibata (EP 0895418 A2) discloses "Image-area Extracting Method for Visual Telephone".

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's


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supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905 or Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR  
21 December 2006

  
ERIKA A. GARY  
PRIMARY EXAMINER